IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2125 OF 1994

Bank Karmachari Sangh .. Petitioner.

V/s.

K.R.Pawar & Ors. .. Respondents.

Ms.N.D.Buch for the petitioner.

Shri.A.G.Damle with Shri.Ankit Mehta i/b.M/s.Haresh Mehta & Co. for respondent No.2.

ALONWITH

WRIT PETITION NO.2401 OF 1994

The Cosmos Co-Op. Bank Ltd. & Anr. .. Petitioners.

V/s.

K.R.Pawar & Ors. .. Respondents.

Shri.A.G.Damle with Shri.Ankit Mehta i/b. M/s.Haresh Mehta & Co. for the petitioners.

Ms.N.D.Buch with Ms.B.B.Dholkia for respondent No.1.

CORAM : A.P. DESHPANDE, J.

DATE : 14TH MARCH, 2007.

P.C.:

1. The writ petitioner in W.P.No.2125 of 1994 is a Trade Union, which has questioned the judgement and order dated 8th February, 1994, passed by the Industrial Court, Pune in U.L.P. Complaint No.414 of 1983 alleging commission of unfair labour practice committed by the respondent/employer. The Industrial Court has found fault with the alleged acts, which according to the petitioner tentamount to an unfair labour practice. The Industrial Court, however, exempted the respondents from withdrawing U.L.P. for the reasons recorded in the judgement. The Industrial Court directed the respondent Nos.3 & 4 to pay Rs.1.00 lacs by way of exemplary damages suffered by the complainants so also a direction was issued for payment of cost in the sum of Rs.25,000/-. The learned counsel for the petitioner submits that having regard to the passage of time from the commission of unfair labour practice till date, the ends of justice would be met by retaining the direction in regard to payment of exemplary cost and the usual litigation cost. It is further submitted that if the said directions are retained and not disturbed in the companion writ petition filed by the respondents, the petitioner does not press the writ petition and would withdraw the said writ petition.

2. In Writ Petition No.2401 of 1994, only that part of the order passed by the Industrial Court is challenged which goes to award exemplary cost and proceed to saddle the litigation cost. On instructions from Vijay D.Patil, Assistant Manager, Cosmos Bank, who is present in the Court, the learned counsel submits that as the petitioner in Writ Petition No.2125 of 1994 has not pressed the said petition, he is also not pressing his Writ Petition and, thus, on concession granted by the advocates for the respective parties, order passed by the Industrial Court has to be maintained as both the writ petitions are not pressed. I am informed that during the pendency of this petition, the respondents have deposited a sum of Rs.1.00 lac in Industrial Court, Pune. The petitioner in Writ Petition No.2125 of 1994 is permitted to withdraw the said amount of Rs.1.00 lakh together with accrued interest and the respondent Nos.3 & 4 in the said petition shall pay the remaining amount of Rs.25,000/- towards the cost of litigation to the petitioner within a period of four weeks from today.

3. In this view of the matter, both the writ petitions are required to be disposed of as not pressed. The learned counsel for the petitioner in W.P.No.2401 of

1994 submits that at some places in the impugned judgement, derogatory remarks are made against the board of directors of the Bank touching their conduct and a request is made for expunging the said derogatory remarks. The learned counsel for the petitioner has no objection for the same. In the result, the derogatory remarks stands expunged from the judgement.

4. Writ Petitions are, thus, disposed of as not pressed subject to the above clarification.

(A.P. Deshpande, J.)